

ADDITIONAL COSPONSORS

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1425

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1425, a bill to amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1544

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1598

At the request of Mr. MANCHIN, his name was added as a cosponsor of S. 1598, a bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1970

At the request of Mr. MERKLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1970, a bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2125

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2125, a bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care.

S. 2128

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2128, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to clarify that all veterans programs are exempt from sequestration, and for other purposes.

S. 2142

At the request of Mr. CASEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2142, a bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

S. 2150

At the request of Ms. SNOWE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNIS), the Senator from South

Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2150, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 385

At the request of Mr. VITTER, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mr. BURR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Res. 385, a resolution condemning the Government of Iran for its continued persecution, imprisonment, and sentencing of Youcef Nadarkhani on the charge of apostasy.

S. RES. 386

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 386, a resolution calling for free and fair elections in Iran, and for other purposes.

AMENDMENT NO. 1739

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 1739 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1769

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1769 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1789

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1789 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1804

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1804 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself and Mr. PAUL):

S. 2169. A bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Prisons Accountability Act of 2012”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Director of the Bureau of Prisons leads a law enforcement component of the Department of Justice with a budget that exceeds \$6,500,000,000 for fiscal year 2012.

(2) With the exception of the Federal Bureau of Investigation, the Bureau of Prisons has the largest operating budget of any unit within the Department of Justice.

(3) The Director of the Bureau of Prisons oversees and is responsible for the welfare of more than 216,000 Federal inmates in 117 facilities.

(4) The Director of the Bureau of Prisons supervises more than 37,000 employees, many of whom operate in hazardous environments that involve regular interaction with violent offenders.

(5) The Director of the Bureau of Prisons also serves as the chief operating officer for Federal Prisons Industries, a wholly owned government enterprise of 98 prison factories that directly competes against the private sector, including small businesses, for Government contracts.

(6) Within the Department of Justice, in addition to those officials who oversee litigating components, the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, the Director of the Community Relations Service, the Director of the Federal Bureau of Investigation, the Director of the National Institute of Justice, the Director of the Office for Victims of Crime, the Director of the Office on Violence Against Women, the Administrator of the Drug Enforcement Administration, the Deputy Administrator of the Drug Enforcement Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the United States Marshals Service, 94 United States Marshals, the Inspector General of the Department of Justice, and the Special Counsel for Immigration Related Unfair Employment Practices, are all appointed by the President by and with the advice and consent of the Senate.

(7) Despite the significant budget of the Bureau of Prisons and the vast number of people under the responsibility of the Director of the Bureau of Prisons, the Director is not appointed by and with the advice and consent of the Senate.

SEC. 3. DIRECTOR OF THE BUREAU OF PRISONS.

(a) IN GENERAL.—Section 401 of title 18, United States Code, is amended by striking “appointed by and serving directly under the Attorney General.” and inserting the fol-

lowing: “who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall serve directly under the Attorney General.”.

(b) INCUMBENT.—Notwithstanding the amendment made by subsection (a), the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act may serve as the Director of the Bureau of Prisons until the date that is 3 months after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the ability of the President to appoint the individual serving as the Director of the Bureau of Prisons on the date of enactment of this Act to the position of the Director of the Bureau of Prisons in accordance with section 401 of title 18, United States Code, as amended by subsection (a).

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. LEE):

S. 2170. A bill to amend the provisions of title 5, United States Code, which are commonly referred to as the “Hatch Act” to eliminate the provision preventing certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Hatch Act Modernization Act of 2012. I am pleased that Senators LIEBERMAN, LEVIN, and LEE have joined as cosponsors.

The Hatch Act restricts political activity of Federal employees, District of Columbia employees, and certain other state and local employees. Originally enacted in 1939, the Hatch Act has not been amended since 1993.

The Hatch Act plays two very important roles. First, it ensures that the government works for American citizens regardless of the political party controlling the White House or Congress. Second, the Hatch Act protects Federal employees in the workplace. Specifically, the Hatch Act restricts Federal employees’ partisan political action in order to protect them for being coerced to participate in political activities in the workplace. This is essential to the merit-based system that currently exists.

In 2007, I chaired a hearing of the Senate Subcommittee of Oversight of Government Management, the Federal Workforce, and the District of Columbia, which examined whether enhancements or clarifications to the Hatch Act were necessary. Since that time, I have considered what changes to the law would be appropriate, while being mindful that the Hatch Act represents a careful balance intended to shield employees from pressure to use federal time and money for partisan gain, while also protecting employees’ personal freedoms of choice and expression.

The legislation I am introducing today makes common sense changes to

the Hatch Act. First, it would grant State and local employees the freedom to run for partisan elective office. Under current law, state and local employees are permitted to run for non-partisan elective office, but are prohibited from running for partisan elective office. This can lead to confusing and inconsistent rules in different locations, depending on whether a particular elective office is categorized as partisan or non-partisan. This change will also save the government money, as the Office of Special Counsel would not be required to spend valuable time and resources investigating the hundreds of complaints it receives each year on this issue.

The legislation would also modify the Hatch Act’s draconian penalty provisions. The Hatch Act currently provides for a presumed penalty of termination for any violation of the law, regardless of its severity. Under the law, it is possible that a federal employee could lose his or her job for inadvertently sending an email at work containing improper political content or hanging a picture on his or her wall during a campaign season. My bill would amend these provisions of the Hatch Act to allow the Merit Systems Protection Board, which adjudicates Hatch Act complaints in the federal government, to impose a range of penalties, from termination to a reprimand, depending on the nature of the offense involved.

Finally, the legislation would ensure that employees of the District of Columbia are subject to the same restrictions on political activity that currently apply to all other state and local employees. Under present law, District of Columbia employees are subject to the Hatch Act provisions that apply to federal employees, rather than those that apply to employees of States and localities.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hatch Act Modernization Act of 2012”.

SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

(a) IN GENERAL.—Section 1502(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding “or” after the semicolon;

(2) in paragraph (2), by striking “purposes; or” and inserting “purposes.”; and

(3) by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REFERENCE TO STATE AND LOCAL OFFICIALS.—Section 1502 of title 5, United States Code, is amended by striking subsection (c).

(2) NONPARTISAN CANDIDACIES.—